

## **Tamil Nadu Municipal Laws (Amendment) Act, 2012**

**07 of 2012**

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## **Tamil Nadu Municipal Laws (Amendment) Act, 2012**

**07 of 2012**

An Act further to amend the laws relating to the Municipal corporations and the municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows:-

### **1. Short title and commencement :-**

(1) This Act may be called the Tamil Nadu Municipal Laws (Amendment) Act, 2012.

(2) It shall be deemed to have come into force on the 25th day of October 2011.

### **2. Insertion of new section 414-A :-**

After section 414 of the Chennai City Municipal Corporation Act, 1919, (Tamil Nadu Act IV of 1919) the following section shall be inserted, namely:-

"414-A. Transitional provision on the extension of the area of the city.-

(1) When the area of the city is extended, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council, panchayat union council or village panchayat concerned, of the extended area as well as all liabilities legally subsisting against such municipal council, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which such extension of the city is declared, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, except such arrears or payments in respect of water supply and sewerage services, due to such municipal council, panchayat union council or village panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the corporation and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, except in respect of water supply and sewerage services, which immediately before the date of such Notification, were being levied by such municipal council, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings except in respect of water supply and sewerage services, taken by, or against such municipal council, panchayat union council or village panchayat or authority or any person under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the corporation, authority or person as if such proceedings had been commenced under the provisions of this Act.

(5) Any action except in respect of water supply and sewerage services, taken under the Tamil Nadu Act V of 1920 or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee except in connection with water supply and sewerage services, who, immediately before the date of such Notification, was in the service of such municipality, town panchayat or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the corporation:

Provided that-

(a) the terms and conditions applicable to such officer or employee consequent on his absorption in the service of the corporation shall not be less favorable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuating; and

(b) the service rendered by such officer or employee under such municipality, town panchayat or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such municipality, town panchayat or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in section 73-A of the Tamil Nadu Act V of 1920 or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such municipality, town panchayat or village panchayat, as the case may be, and on such retrenchment, he shall be eligible

for such benefits as may be prescribed."

### **3. Amendment of section 3 :-**

In section 3 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971.) (hereinafter in this Part referred to as the 1971 Act), sub-section (8) shall be omitted.

### **4. Insertion of new section 510-AA :-**

After section 510-A of the 1971 Act, the following section shall be inserted, namely:-

"510-AA. Transitional provision on the extension of the area of the city.-

(1) When the area of the city is extended by including any local area, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council, panchayat union council or village panchayat concerned, of the such local area as well as all liabilities legally subsisting against such municipal council, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which inclusion of such local area in the city is made, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, due to such municipal council, panchayat union council or village panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the corporation and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of such Notification, were being levied by such municipal council, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly

until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against such municipal council, panchayat union council or village panchayat or authority or any person under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the corporation, authority or person as if such proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the Tamil Nadu Act V of 1920 or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee, who, immediately before the date of such Notification, was in the service of such municipality, town panchayat or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the corporation:

Provided that-

(a) the terms and conditions applicable to such officer or employee consequent on his absorption in the service of the corporation shall not be less favorable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuating; and

(b) the service rendered by such officer or employee under such municipality, town panchayat or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, provident

fund and gratuity:

Provided further that such officer or employee serving in such municipality, town panchayat or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in section 73-A of the Tamil Nadu Act V of 1920 or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such municipality, town panchayat or village panchayat, as the case may be, and on such retrenchment, he shall be eligible for such benefits as may be prescribed."

### **5. Amendment of section 3 :-**

In section 3 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981)(hereinafter in this Part referred to as the 1981 Act), sub-section (8) shall be omitted.

### **6. Insertion of new section 511-AA :-**

After section 511-A of the 1981 Act, the following section shall be inserted, namely:-

"511-AA. Transitional provision on the extension of the area of the city.-

(1) When the area of the city is extended, by including any local area, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the municipal council, panchayat union council or village panchayat concerned, of the such local area as well as all liabilities legally subsisting against such municipal council, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which inclusion of such local area in the city is made, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, due to such municipal council, panchayat union council or village

panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the corporation and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of such Notification, were being levied by such municipal council, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against such municipal council, panchayat union council or village panchayat or authority or any person under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) or the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the corporation, authority or person as if such proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the Tamil Nadu Act V of 1920 or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee, who, immediately before the date of such Notification, was in the service of such municipality, town panchayat or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the corporation:

Provided that-

(a) the terms and conditions applicable to such officer or employee, consequent on his absorption in the service of the corporation shall

not be less favorable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuating; and

(b) the service rendered by such officer or employee under such municipality, town panchayat or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the corporation and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such municipality, town panchayat or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in section 73-A of the Tamil Nadu Act V of 1920 or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such municipality, town panchayat or village panchayat, as the case may be, and on such retrenchment, he shall be eligible for such benefits as may be prescribed."

## **7. Amendment of section 4 :-**

In section 4 of the Tamil Nadu District Municipalities Act, 1920(Tamil Nadu Act V of 1920) (hereinafter in this Part referred to as the 1920 Act), sub-section (5) shall be omitted.

## **8. Insertion of new section 375-A :-**

After section 375 of the 1920 Act, the following section shall be inserted, namely:-

"375-A. Transitional provision on the extension of the area of the Municipality.-

(1) When the area of the municipality is extended, by including any local area, all property, all rights of whatever kind, used, enjoyed or possessed by, and all interests of whatever kind owned by, or vested in, or held in trust by or for the town panchayat, panchayat union council or village panchayat concerned, of such local area as



well as all liabilities legally subsisting against such town panchayat, panchayat union council or village panchayat, as the case may be, on and from the date of the Notification, by which inclusion of such local area in the municipality is made, shall, subject to such directions as the Government may, by general or special order, give in this behalf, vest with the municipality.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation or otherwise, due to such town panchayat, panchayat union council or village panchayat, as the case may be, on the date of such Notification, shall be recovered as if they had accrued to the municipality and shall be recovered as if such arrears or payments had become due under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of such Notification, were being levied by such town panchayat, panchayat union council or village panchayat, as the case may be, shall be deemed to have been levied by the municipality under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against such town panchayat, panchayat union council or village panchayat or authority or any person under this Act or under the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994), as the case may be, shall be continued by, or against, the municipality, authority or person as if such proceedings had been commenced under the provisions of this Act.

(5) Any action taken under this Act or the Tamil Nadu Act 21 of 1994, as the case may be, by any authority before the date of such Notification, shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had then been in force.

(6) Notwithstanding anything contained in this Act, every officer or

employee, who, immediately before the date of such Notification, was in the service of such town panchayat, panchayat union council or village panchayat, as the case may be, shall, on and from the date of such Notification, be deemed to be an officer or employee of the municipality:

Provided that-

(a) the terms and conditions applicable to such officer or employee consequent on his absorption in the service of the municipality shall not be less favorable than those applicable to such officer or employee immediately before the date of such Notification, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuating; and

(b) the service rendered by such officer or employee under such town panchayat, panchayat union council or village panchayat, as the case may be, up to the date of such Notification, shall be deemed to be the service under the municipality and he shall be entitled to count that service for the purpose of increments, leave, pension, provident fund and gratuity:

Provided further that such officer or employee serving in such town panchayat, panchayat union council or village panchayat, as the case may be, shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the municipality or to be transferred to the service referred to in section 73-A of this Act or to the service referred to in sections 104 and 105 of the Tamil Nadu Act 21 of 1994, as the case may be, or to be retrenched from the service of such town panchayat, panchayat union council or village panchayat, as the case may be, and on such retrenchment, he shall be eligible for such benefits as may be prescribed."

## **9. Repeal and saving :-**

(1) The Tamil Nadu Municipal Laws (Amendment) Ordinance, 2012 (Tamil Nadu Ordinance 3 of 2012.) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken

under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.